

Washington Law Review

Volume 83
Number 4 *Symposium: Framing Legal and
Human Rights Strategies for Change: A Case
Study of Disability Rights in Asia*

11-1-2008

Contents

anon

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>

Recommended Citation

anon, Table of Contents, *Contents*, 83 Wash. L. Rev. i (2008).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol83/iss4/1>

This Table of Contents is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact cnyberg@uw.edu.

WASHINGTON LAW REVIEW

VOLUME 83, NUMBER 4, NOVEMBER 2008

Published by Students of the
University of Washington School of Law

CONTENTS

SYMPOSIUM

FRAMING LEGAL AND HUMAN RIGHTS STRATEGIES FOR
CHANGE: A CASE STUDY OF DISABILITY RIGHTS IN ASIA

INTRODUCTION

Christopher Henderson 435

KEYNOTE ADDRESS

Globalizing a Response to Disability Discrimination

Dick Thornburgh 439

ARTICLES

The Domestic Incorporation of Human Rights Law and the
United Nations Convention on the Rights of Persons with
Disabilities

Janet E. Lord & Michael Ashley Stein 449

“Everybody Is Making Love/Or Else Expecting Rain”:
Considering the Sexual Autonomy Rights of Persons
Institutionalized Because of Mental Disability in Forensic
Hospitals and in Asia

Michael L. Perlin 481

Disability, Vulnerability, and the Limits of
Antidiscrimination

Ani B. Satz 513

COMMENTS

Four-Factor Disaster: Courts Should Abandon the Circuit
Test for Distinguishing Government Speech from Private
Speech

Lilia Lim 569

Trading Information for Safety: Immigrant Informants,
Federal Law-Enforcement Agents, and the Viability of Non-
Deportation Agreements

Colleen Melody 599

Copyright © 2008, Washington Law Review Association. Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) the author and journal are identified, (3) proper notice of copyright is affixed to each copy, and (4) the Washington Law Review Association is notified of the use.

WASHINGTON LAW REVIEW (ISSN 0043-0617) is published quarterly by students of the University of Washington School of Law. Periodicals postage paid at Seattle, Washington, and additional mailing offices.

POSTMASTER: Send address changes to:

Frances Johnson
Washington Law Review
University of Washington
Gallagher Law Library
William H. Gates Hall
Box 353025
Seattle, Washington 98195

SUBSCRIPTION INFORMATION: Subscription price for Vol. 83: \$37.50 per year in the United States and \$47.50 elsewhere. Single issue: \$12.00 (order directly from Washington Law Review Business Office). Subscriptions are renewed automatically unless the business office is notified of cancellation. No refunds will be issued.

BACK ISSUES: See advertisement at the back of this issue.

SUBSCRIPTION & BACK ISSUE CORRESPONDENCE:

Frances Johnson
Washington Law Review
University of Washington
Gallagher Law Library
William H. Gates Hall
Box 353025
Seattle, Washington 98195
e-mail: fran@u.washington.edu

MANUSCRIPTS: WASHINGTON LAW REVIEW invites the submission of unsolicited manuscripts. Manuscripts should be double-spaced with double-spaced footnotes. The WASHINGTON LAW REVIEW prefers the use of gender-neutral language.

CITATION FORM: With Volume 83, WASHINGTON LAW REVIEW adopts the citation form of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (18th ed. 2005).

EDITORIAL CORRESPONDENCE: Editor-in-Chief
Washington Law Review
University of Washington
School of Law
William H. Gates Hall
Box 353025
Seattle, Washington 98195
e-mail: wlr@u.washington.edu

Member, National Conference of Law Reviews

WORLD WIDE WEB HOME PAGE: <http://www.law.washington.edu/WLR>

WASHINGTON LAW REVIEW

VOLUME 83
2008

2007–2008 EDITORIAL BOARD

Editor-in-Chief

CHRISTIE JOHNSON FIX

Managing Editors

ANDY ALEY
REBECCA BLASCO
ALEX CHAN
ERIN L. LENNON
JONATHAN LEPTICH
NICOLE TADANO

Associate Editors-in-Chief

LAUREN HEMINGWAY
ANTHONY KAPPUS

Executive Notes and Comments Editors

JERRY CHIANG
MICHAEL J. GELARDI
LE'A KENT

Notes and Comments Editors

AMY KAUPPILA
PETER MORENO
KELLY SEABURG
CANDICE TEWELL
SCOTT WONG
TIFFANY ZINTER

Executive Articles Editors

ADAM GLANT
LAEL HARRISON

Articles Editors

JOHN GOLDMARK
JULIAN HURST
BENJAMIN JUHN
ERIC WITT
ANNE WOODWARD

Symposium Editor
CHRIS HENDERSON

EDITORIAL STAFF

KELSEY BECKNER
CLAIRE BEEN
AMELIA BOONE
DANIEL BUGBEE
AMANDA CARMANY-RAMPEY
RACHELLE CELEBREZZE
MICHELLE DELAPPE
KARA DUNN

ALICIA FEICHTMEIR
CAMILLE FISHER
STEVEN GARDINER
DAVID HANCOCK
NICK HESTERBERG
JON HOMMER
NICOLE JABAILY
KEREM MURAT LEVITAS

LILIA LIM
BRENDAN R. MCNAMARA
COLLEEN MELODY
JESSICA MURPHY
MATT OSBORNE
BRIAN PETERSON
RUSSELL TERRY
PAUL WEIDEMAN

BUSINESS STAFF

Faculty Business Manager
PENNY HAZELTON

Faculty Adviser
STEVE CALANDRILLO

Business Office
JONATHAN FRANKLIN
FRAN JOHNSON

2008–2009 EDITORIAL BOARD*

Editor-in-Chief
DAVID HANCOCK

Chief Comments Editor
MATT OSBORNE

Chief Articles Editor
JON HOMMER

Chief Managing Editor
CLAIRE BEEN

Executive Comments Editor
AMELIA BOONE

Executive Articles Editor
BRENDAN R. MCNAMARA

Executive Managing Editor
LILIA LIM

Associate Editor-in-Chief
COLLEEN MELODY

Associate Editor-in-Chief
RUSSELL TERRY

Comments Editors
KELSEY BECKNER
STEVEN GARDINER
NICK HESTERBERG
STOWELL HOLCOMB
KEREM LEVITAS
JESSICA MURPHY

Articles Editors
DAN BUGBEE
RACHELLE CELEBREZZE
MICHELLE DELAPPE
ALICIA FEICHTMEIR
PAUL WEIDEMAN

Managing Editors
AMANDA CARMANY-RAMPEY
KARA DUNN
CAMILLE FISHER
NICOLE JABAILY
GARY MANCA
BRIAN PETERSON

EDITORIAL STAFF

TYLER ARNOLD
LISA BENEDETTI
ALLISON BROWN
IAN CAIRNS
BLYTHE CHANDLER
BRYCE COUNTS
RACHEL FELLER
JESSICA FRITZ

NANCY SAGOR GARLAND
KYLE GOTCHY
CHARLOTTE HANCOCK
ENOKA HERAT
CHARLENE KOSKI
SHANNON LAWLESS
DARA LEVINSON
RACHEL MERCER

AMANDA STACH
IVAN STONER
NATHANIEL STRAUSS
KATHERINE SWANSON
JASON VOSS
DONYA WILLIAMSON
PAUL WOODS
ALYSHA YAGODA

**Washington Law Review* issues are produced on a calendar-year schedule; the Editorial Board's term of office, however, corresponds to the school year. Accordingly, editorial responsibilities for November issues are apportioned between consecutive Boards.

University of Washington School of Law 2008–2009

OFFICERS OF ADMINISTRATION

Mark A. Emmert, B.A., Ph.D., President of the University
Gregory A. Hicks, B.A., J.D., Interim Dean, Professor of Law
Penny A. Hazelton, B.A., J.D., M.L.L., Associate Dean for Library & Computing Services, Professor of Law
Lisa Ann Kelly, B.A., J.D., Associate Dean, Bobbe & Jonathan Bridge Professor of Child & Family Advocacy
Sandra E. Madrid, B.S., Ph.D., Assistant Dean for Students & Community Relations
Peter Nicolas, B.A., M.P.P., J.D., Associate Dean, Jeffrey & Susan Brotman Professor of Law
Stephanie Cox, B.A., Assistant Dean for Advancement
Naomi Sanchez, B.S., M.S.W., Ed.D., Assistant Dean for Career Services

FACULTY EMERITI

William R. Andersen, B.S.L., LL.B., LL.M.
William T. Burke, B.S., J.D., J.S.D.
G. Meade Emory, B.A., J.D., LL.M.
Robert L. Fletcher, A.B., LL.B.
John Huston, B.A., J.D., LL.M.
John M. Junker, B.A., J.D.
John R. Price, A.B., LL.B.
Roy L. Prosterman, A.B., LL.B.
Marjorie D. Rombauer, B.A., J.D.
Charles Z. Smith, B.S., J.D.
Frank W. Smith, Jr., B.A., J.D., LL.M.
William B. Stoebe, B.A., M.A., J.D., S.J.D.
Philip A. Trautman, B.A., J.D.

FACULTY OF LAW

Craig H. Allen, B.S., J.D., Judson Falknor Professor of Law
Kimberly Ambrose, B.A., J.D., Lecturer
Helen A. Anderson, B.A., J.D., Assistant Professor of Law
Robert T. Anderson, B.A., J.D., Associate Professor of Law, Director of Native American Law Center
Thomas R. Andrews, B.A., M.A., J.D., Professor of Law
Robert H. Aronson, B.A., J.D., Betts, Patterson & Mines Professor of Law
Karen Boxx, B.A., J.D., Associate Professor of Law
Steve P. Calandrillo, B.A., J.D., Professor of Law
Thomas Cobb, B.A., M.A., M.A., J.D., Senior Lecturer
Molly Cohan, B.A., J.D., Lecturer
William Covington, B.A., J.D., Assistant Professor of Law, Director of Technology Law & Public Policy Clinic
Samuel A. Donaldson, B.A., J.D., LL.M., Professor of Law, Director of Graduate Program in Taxation
Signe Dortch, B.A., J.D., Lecturer
Dwight J. Drake, B.S., J.D., Associate Professor of Law
Gillian Dutton, B.A., M.A., J.D., Lecturer, Director of the Refugee & Immigrant Advocacy Project
Jonathan A. Eddy, B.A., J.D., Professor of Law, Manager of Afghanistan Legal Educators Project
Joan C. Foley, B.A., J.D., Lecturer
Julia Gold, B.A., J.D., Senior Lecturer, Director of Mediation Clinic
Robert W. Gomulkiwicz, B.A., M.A., J.D., Professor of Law, Director of Graduate Program of Intellectual Property Law & Policy
James H. Hardisty, A.B., LL.B., Professor of Law
Penny A. Hazelton, B.A., J.D., M.L.L., Professor of Law
Gregory A. Hicks, B.A., J.D., Professor of Law
Roland L. Hjorth, A.B., LL.B., Dean Emeritus, Garvey, Schubert & Barer Professor of Law
Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Lecturer, Director of Academic Advising
Maureen Howard, B.A., J.D., Assistant Professor, Director of Trial Advocacy Program
Linda S. Hume, B.A., J.D., Professor of Law
Stewart M. Jay, A.B., J.D., William L. Dwyer Professor of Law
Sarah Kaltsounis, B.S., M.Ed., J.D., Lecturer
Yong-Sung (Jonathan) Kang, B.A., J.D., Assistant Professor of Law
Sylvia Kang'ara, LL.B., LL.M., Assistant Professor of Law
Lisa Kelly, B.A., J.D., Bobbe & Jonathan Bridge Professor of Law, Director of Children & Youth Advocacy Clinic
Alan Kirtley, B.A., J.D., Associate Professor of Law
Richard O. Kummert, B.S., M.B.A., LL.B., D. Wayne & Anne Gittinger Professor of Law
Patricia C. Kuszler, M.D., J.D., Charles I. Stone Professor of Law, Director of Multidisciplinary Initiatives
Clark B. Lombardi, B.A., J.D., Ph.D., Associate Professor of Law
Deborah Maranville, B.A., J.D., Professor of Law, Director of Clinical Law Program, Director of Unemployment Compensation Clinic
Anna Mastroianni, B.S./B.A., J.D., M.P.H., Associate Professor of Law
Kathleen M. McGinnis, B.A., J.D., Senior Lecturer
Jacqueline McMurtrie, B.G.S., J.D., Associate Professor of Law, Director of Innocence Project Northwest
Paul Steven Miller, B.A., J.D., Henry M. Jackson Professor of Law, Director of University of Washington Disability Studies Program
Theodore Myhre, B.A., M.A., M.A., J.D., Lecturer
Joel M. Ngugi, LL.B., LL.M., S.J.D., Associate Professor of Law
Peter Nicolas, B.A., M.P.P., J.D., Jeffrey & Susan Brotman Professor of Law

Sean O'Connor, B.A., M.A., J.D., Associate Professor of Law, Co-Director of Graduate Program in Intellectual Property Law & Policy, Director of Entrepreneurial Law Clinic
 Kathleen O'Neill, B.A., J.D., Associate Professor of Law
 Anita Ramasastry, B.A., M.A., J.D., Professor of Law, Director of Shidler Center for Law, Commerce & Technology
 Beth Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law, Director of Global Health & Justice Project
 Michael Robinson-Dorn, B.A., J.D., Assistant Professor of Law, Director of Kathy & Steve Berman Environmental Law Clinic
 William H. Rodgers, Jr., B.A., LL.B., Stimson Bullitt Professor of Environmental Law
 Sallie Thieme Sanford, B.A., J.D., Acting Assistant Professor of Law
 Eric Schnapper, B.A., M.A., B.Phil., LL.B., Pendleton Miller Professor of Law
 Scott A. Schumacher, B.A., J.D., Assistant Professor of Law, Director of Federal Tax Clinic
 Toshiko Takenaka, B.A., LL.M., Ph.D., W. Hunter Simpson Professor of Technology Law, Director of CASRIP
 Veronica L. Taylor, LL.B., B.A., LL.M., Dan Fenko Henderson Professor of Law, Director of Asian Law Center
 Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law
 Lea B. Vaughn, A.B., J.D., Professor of Law
 Walter J. Walsh, B.C.L., LL.M., S.J.D., Associate Professor of Law
 Kathryn Watts, B.S., J.D., Assistant Professor of Law
 Ron J. Whitener, B.A., J.D., Assistant Professor of Law, Director of Tribal Court Criminal Defense Clinic
 Jane K. Winn, B.Sc., J.D., Charles I. Stone Professor of Law, Director of Shidler Center for Law, Commerce & Technology
 Louis E. Wolcher, B.A., J.D., Charles I. Stone Professor of Law
 Dongsheng Zang, LL.B., LL.M., LL.M., S.J.D., Assistant Professor of Law

ADJUNCT, AFFILIATE, AND VISITING FACULTY

Gad Barzilai, B.A., LL.S., LL.B., M.A., Ph.D., Adjunct Professor of Law
 David Bledsoe, B.A., J.D., LL.M., Affiliate Assistant Professor of Law
 Daniel M. Bodansky, A.B., M.Phil., J.D., Affiliate Professor of Law
 Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law
 Mark Cammack, B.A., J.D., Affiliate Professor of Law
 Donald Clarke, A.B., M.Sc., J.D., Affiliate Professor of Law
 Daniel H. Foote, A.B., J.D., Affiliate Professor of Law
 John O. Haley, A.B., LL.B., LL.M., Affiliate Professor of Law
 Tim Hanstad, B.A., J.D., LL.M., Affiliate Associate Professor of Law
 Nancy S. Jecker, B.A., M.A., M.A., Ph.D., Adjunct Professor of Law
 Roberta S. Karmel, B.A., LL.B., Harry M. Cross Distinguished Professor of Law
 David M. Keepnews, B.S., M.P.H., J.D., Ph.D., Affiliate Associate Professor of Law
 Daniel Laster, B.A., J.D., Affiliate Professor of Law
 Elizabeth F. Loftus, B.A., M.A., Ph.D., Affiliate Professor of Law
 Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law
 Robert Mitchell, B.A., J.D., LL.M., Affiliate Assistant Professor of Law
 Steven G. Olswang, B.A., J.D., Ph.D., Adjunct Professor of Law
 Saadia Pekkanen, B.A., M.I.A., Ph.D., M.S.L., Adjunct Associate Professor of Law
 Lawrence Repeta, B.A., J.D., Garvey Schubert Barer Visiting Professor in Asian Law
 Leonard Rolfes, Jr., B.A., J.D., Affiliate Assistant Professor of Law
 Yasunobu Sato, B.A., LL.M., Ph.D., Affiliate Professor of Law
 Hugh D. Spitzer, B.A., J.D., LL.M., Affiliate Professor of Law
 Susan Whiting, B.A., Ph.D., Adjunct Associate Professor of Law
 Richard O. Zerbe, Jr., A.B., Ph.D., Adjunct Professor of Law